

### **REMARKS**

The present application has pending claims 7-9.

Claims 7-9 stands rejected under 35 USC §103(a) as being unpatentable over Fowler (U.S. Patent Application Publication No. 2003/0126394) in view of Watanabe (U.S. Patent No. 6,748,502). This rejection is traversed for the following reasons. Applicants submit that Fowler is not an appropriate reference to be used for anticipatory or obviousness type purposes to reject the claims of the present application being that the present application claims a priority date of November 28, 2001 which predates the effective date of December 27, 2001 of Fowler. Thus, Fowler cannot be combined with Watanabe in the manner suggested by the Examiner in the Office Action since Fowler cannot be used for prior art purposes relative to the claims of the present application. Watanabe alone does not teach or suggest the features of the present invention as recited in the claims. Accordingly, this rejection fails. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

In order to perfect Applicants claim of priority a certified copy of the Priority Document was filed in the present application on March 11, 2002. The Examiner acknowledged Applicants' claims of priority and the filing of the certified copy in said parent application in the April 21, 2005 Office Action.

To further perfect Applicants' claim of priority filed on even date herewith is a Sworn English Translation of the Priority Document. Entry of said Sworn English Translation filed on even date herewith is respectfully requested.


Therefore, based on the above, Applicants' priority of invention of the present application predates the effective date of Fowler and as such Fowler cannot be used for prior art purposes to reject the claims of the present application.

In view of the foregoing amendments and remarks, applicants submit that claims 7-9 are in condition for allowance. Accordingly, early allowance of claims 7-9 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (500.41184X00).

Respectfully submitted,

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